



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,198	11/26/2003	Thomas L. Deitrich	9314-53	6742

54414 7590 02/08/2006

MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
P.O. BOX 37428  
RALEIGH, NC 27627

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/722,198

Applicant(s)

DEITRICH, THOMAS L.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 13, 16 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 2, 4-12, 15, 17-25 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 4-6, 8-12, 15, 17-19, 21-23, 25, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by prior art made of record in the first office action, Joong et al., US Patent Number 6,134,433 (hereinafter Joong).

Regarding claims 4, 17, and 29, Joong discloses a method (network and computer program product) of routing incoming communications to a wireless terminal, the method comprising: associating a wireless terminal identifier and an alternate routing identifier with a wireless terminal; determining whether an alternate routing rule has been satisfied; routing an incoming communication, which is directed to the wireless terminal identifier, based on the wireless terminal identifier when the alternate routing rule has not been satisfied or based on the alternate routing identifier when the alternate routing rule has been satisfied, wherein determining whether an alternate routing rule has been satisfied comprises determining whether the wireless terminal that is associated with the wireless terminal identifier is a predefined type of wireless terminal [abstract; col. 2: line 60 – col. 3: line 22].

Regarding claims 2 and 15, Joong discloses determining whether an alternate routing rule has been satisfied comprises determining the availability on a network of

the wireless terminal that is associated with the wireless terminal identifier [col. 2: line 60 – col. 3: line 22].

Regarding claims 5 and 18, Joong discloses determining whether a predefined service is available for the wireless terminal that is associated with the wireless terminal identifier [col. 2: line 60 – col. 3: line 22].

Regarding claims 6 and 19, Joong discloses determining whether an alternate routing rule has been satisfied comprises determining whether the incoming communication is a predefined type of communication [col. 6: lines 10-12].

Regarding claims 8 and 21, Joong discloses determining whether an alternate routing rule has been satisfied is based on whether a predefined routing identifier has been received from a user [col. 6: lines 10-12].

Regarding claims 9 and 22, Joong discloses defining the alternate routing identifier at the wireless terminal; and communicating the alternate routing identifier from the wireless terminal to a wireless network [col. 8: lines 30-37].

Regarding claim 10, Joong discloses communicating the alternate routing identifier from the wireless terminal to the wireless network comprises communicating the alternate routing identifier as a data message from the wireless terminal to the wireless network [col. 8: lines 30-37].

Regarding claim 11, Joong discloses defining at the wireless terminal an alternate phone number to which a call to the wireless terminal is to be redirected; communicating the phone number as the alternate routing identifier from the wireless

terminal to a wireless network; and associating the alternate phone number with the wireless terminal identifier at the wireless network [col. 6: lines 10-20].

Regarding claim 12, Joong discloses determining whether an alternate routing rule has been satisfied comprises determining that the incoming communication comprises a data message; and routing an incoming communication comprises routing the data message based on at least one of an internet address that is associated with the alternate routing identifier, a telephone number for a mobile terminal that is associated with the alternate routing identifier, and a telephone number for a pager that is associated with the alternate routing identifier [col. 3: lines 8-22].

Regarding claim 23, Joong discloses sequentially determining the availability of communication devices associated with the plurality of alternate routing identifiers when the alternate routing rule has been satisfied, and routing the incoming communication based on the determination of the availability of the communication devices [col. 2: line 60 – col. 3: line 22].

Regarding claim 25, Joong discloses associating a wireless terminal identifier with an alternative data routing identifier and an alternative voice routing identifier; and the routing the incoming communication based on the data routing identifier when the incoming communication comprises a data message, and routing the incoming communication based on the voice routing identifier when the incoming communication comprises a voice call [col. 2: line 60 – col. 3: line 22].

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joong.

Regarding claims 7 and 20, it is well known in the art to route a communication to a particular number or device based on the time or day. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication is sent to the proper device based on the user's schedule.

Regarding claim 24, the Examiner takes Official Notice that it is well known in the art to simultaneously route an incoming communication to a plurality of alternate routing identifiers. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication is received promptly.

#### ***Allowable Subject Matter***

5. Claims 3, 13, 16, and 26-28 allowed.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 2-13, and 15-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
February 2, 2006

  
ERIKA A. GARY  
PRIMARY EXAMINER